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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,402	07/16/2003	William J. Semper	SAMS01-00261	2926

7590 12/29/2006  
Docket Clerk  
P.O. Box 800889  
Dallas, TX 75380.

EXAMINER
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VU, MICHAEL T

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/620,402	Applicant(s) SEMPER ET AL.	
	Examiner Michael Vu	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Forslow (US 6,608,832).

Regarding **claim 1**, Forslow teaches for use in a wireless network (Figure 2), a method of providing quality-of-service (QoS) functions to a mobile station accessing the wireless network (Figure 2, Col. 4, line 61-67), the method comprising the steps of: receiving from the mobile station a packet data call initiation signal (Figure 2, Col. 9, line 1, through Col. 10, line 67); sending an authorization request corresponding to the mobile station (Abstract, Col. 3, line 19-23, and Col. 4, line 61-67); receiving an authorization message (Col. 7, line 12-22) and quality-of-service profile corresponding to the mobile station (Col. 4, line 9-41, Col. 11, line 11-28); receiving application information corresponding to the mobile station (Abstract, Col. 2, line 30 through Col. 4, line 60); and determining quality-of-service parameters according to the quality-of-service profile (Col. 4, line 9 through Col. 12, line 67) and the application information (Col. 4, line 9 through Col. 12, line 67), wherein the mobile station thereafter

Art Unit: 2617

communicates according to the quality-of-service parameters (Col. 11, line 11 through Col. 19, line 64).

Regarding **claim 2**, Forslow teaches the method of claim 1, wherein the packet data call initiation signal is received in a base station controller (Figure 2, Col. 2, line 44-64).

Regarding **claim 3**, Forslow teaches the method of claim 1, wherein the quality-of-service profile is stored on an authorization server (Figure 2, line 64-67 Authentication Center (AUC #46).

Regarding **claim 4**, Forslow teaches the method of claim 1, wherein the quality-of-service parameters are sent to a packet data serving node (Col. 12, line 35-67).

Regarding **claim 5**, Forslow teaches the method of claim 1, wherein the application information includes an application data class (Col. 12, line 35-67).

Regarding **claim 6**, Forslow teaches the method of claim 1, wherein the quality-of-service profile includes delay, maximum data rate (Col. 11, line 11-27), and data loss rate information (Col. 5, line 1-65).

Regarding **claim 7**, Forslow teaches the method of claim 1, wherein quality-of-service parameters are determined by a quality-of-service control component (Col. 5, line 1 through Col. 7, line 63).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow (US 6,608,832) in view of Wahl (US 2003/0103454).

Regarding **claims 8 and 15**, Forslow teaches a call management system comprising (Figure 2, Col. 2, line 44-65, base station manages the allocation): a QoS capable of receiving from a mobile station a packet data call initiation signal (Col. 4, line 42 through Col. 5, line 36) and sending an authorization request corresponding to the mobile station to an authorization server (Col. 2, line 31 through Col. 5, line 36), wherein the QoS receives from the authorization server an authorization message (Col. 19, line 30-64) and quality-of-service profile corresponding to the mobile station (Col. 10, line 18 through Col. 16, line 28), and wherein said QoS is further capable of receiving application information corresponding to the mobile station (Col. 4, line 42 through Col. 7, line 63), determining quality-of-service parameters according to the quality-of-service profile (Col. 11, line 11 through 12, line 67) and the application information (Col. 12, line 35 through Col. 16, line 27), and transmitting a control message to the mobile station

capable of causing the mobile station to communicate thereafter according to the quality-of-service parameters (Col. 4, line 42 through Col. 12, line 67).

**But Forslow does not clearly disclose on QoS Controller.**

However, Wahl teaches a QoS Controller that contain the software module are used for the connection both uplink and downlink, and has an interface to a management (See Figure 1, paragraphs [0015-0031]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Forslow, such that QoS Controller, to enhance the capacity improvement control by the base station.

Regarding **claims 9 and 16**, Forslow/Wahl teach the call management system of claim 8, wherein the QoS controller is a part of a base station controller (Figure 2, Col. 2, line 44-64) of Forslow.

Regarding **claims 10 and 17**, Forslow/Wahl teach the call management system of claim 8, wherein the quality-of-service profile is stored on an authorization server (Figure 2, line 64-67 Authentication Center (AUC #46)).

Regarding **claims 11 and 18**, Forslow/Wahl teach The call management system of claim 8, wherein the quality-of-service parameters are sent to a packet data serving node (Col. 12, line 35-67).

Regarding **claims 12 and 19**, Forslow/Wahl teach The call management system of claim 8, wherein the application information includes an application data class (Col. 11, line 11-27), and data loss rate information (Col. 5, line 1-65).

Art Unit: 2617

Regarding **claims 13 and 20**, Forslow/Wahl teach The call management system of claim 8, wherein the quality-of-service profile includes delay, maximum data rate (Col. 11, line 11-27), and data loss rate information (Col. 5, line 1-65).

Regarding **claims 14 and 21**, Forslow/Wahl teach The call management system of claim 8, wherein the QoS controller determines the quality-of-service profile using a quality-of-service control component (Col. 5, line 1 through Col. 7, line 63).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael Vu  
Examiner



ERIKA A. GARY  
PRIMARY EXAMINER